

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 29

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO MOTOR VEHICLES; ESTABLISHING PENALTY ASSESSMENTS
AND FEES FOR VIOLATION OF PROVISIONS OF THE MANDATORY FINANCIAL
RESPONSIBILITY ACT; CLARIFYING PROCEDURES FOLLOWING THE
ISSUANCE OF A CITATION FOR VIOLATION OF THE MANDATORY FINANCIAL
RESPONSIBILITY ACT; ALLOWING LAW ENFORCEMENT OFFICERS TO VERIFY
FINANCIAL RESPONSIBILITY BY CHECKING COMPUTER DATABASES; MAKING
AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-33.1 NMSA 1978 (being Laws 1985,
Chapter 47, Section 1, as amended) is amended to read:

"66-5-33.1. REINSTATEMENT OF DRIVER'S LICENSE OR
REGISTRATION--FEE.--

A. Whenever a driver's license or registration is
suspended or revoked and an application has been made for its

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1 reinstatement, compliance with all appropriate provisions of
2 the Motor Vehicle Code and the payment of a fee of twenty-five
3 dollars (\$25.00) is a prerequisite to the reinstatement of any
4 license or registration.

5 B. If a driver's license was suspended or revoked
6 for driving while under the influence of intoxicating liquor or
7 drugs, for aggravated driving while under the influence of
8 intoxicating liquor or drugs or for a violation of the Implied
9 Consent Act, an additional fee of seventy-five dollars (\$75.00)
10 is required to be paid to reinstate the driver's license. Fees
11 collected pursuant to this subsection are appropriated to the
12 local governments road fund. The department shall maintain an
13 accounting of the fees collected pursuant to this subsection
14 and shall report that amount upon request to the legislature.

15 C. If the registration for a vehicle was suspended
16 for failure to comply with the requirements of the Mandatory
17 Financial Responsibility Act, an additional fee of seventy-five
18 dollars (\$75.00) is required to be paid to reinstate the
19 vehicle registration. The additional fee shall be waived upon
20 submission of a sworn statement of indigency on a form provided
21 by the department. The department shall adopt rules
22 establishing a standard for indigency. Fees collected pursuant
23 to this subsection are appropriated to the motor vehicle
24 division of the department for the purpose of defraying the
25 costs of the operation of the division. Any unexpended or

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1 unencumbered balance remaining at the end of any fiscal year
 2 shall not revert to the general fund. The department shall
 3 maintain an accounting of the fees collected pursuant to this
 4 subsection and shall report that amount upon request to the
 5 legislature."

6 Section 2. Section 66-5-205 NMSA 1978 (being Laws 1983,
 7 Chapter 318, Section 6, as amended) is amended to read:

8 "66-5-205. VEHICLE MUST BE INSURED OR OWNER MUST HAVE
 9 EVIDENCE OF FINANCIAL RESPONSIBILITY--PENALTIES.--

10 A. No owner shall permit the operation of an
 11 uninsured motor vehicle, or a motor vehicle for which evidence
 12 of financial responsibility as was affirmed to the department
 13 is not currently valid, upon the streets or highways of New
 14 Mexico unless the vehicle is specifically exempted from the
 15 provisions of the Mandatory Financial Responsibility Act.

16 B. No person shall drive an uninsured motor
 17 vehicle, or a motor vehicle for which evidence of financial
 18 responsibility as was affirmed to the department is not
 19 currently valid, upon the streets or highways of New Mexico
 20 unless ~~[he]~~ the person is specifically exempted from the
 21 provisions of the Mandatory Financial Responsibility Act.

22 C. For the purposes of the Mandatory Financial
 23 Responsibility Act, "uninsured motor vehicle" means a motor
 24 vehicle for which there is not in effect either:

25 (1) a motor vehicle insurance policy meeting

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1 the requirements of the laws of New Mexico and of the secretary
2 [~~is not in effect~~]; or

3 (2) a surety bond or evidence of a sufficient
4 cash deposit with the state treasurer.

5 D. The provisions of the Mandatory Financial
6 Responsibility Act requiring the deposit of evidence of
7 financial responsibility as provided in Section 66-5-218 NMSA
8 1978, subject to certain exemptions, may apply with respect to
9 persons who have been convicted of or forfeited bail for
10 certain offenses under motor vehicle laws or who have failed to
11 pay judgments or written settlement agreements upon causes of
12 action arising out of ownership, maintenance or use of vehicles
13 of a type subject to registration under the laws of New Mexico.

14 E. Any person who violates the provisions of this
15 section [~~is guilty of a misdemeanor and upon conviction shall~~
16 ~~be sentenced to a fine not to exceed three hundred dollars~~
17 ~~(\$300)] commits a penalty assessment misdemeanor for which the
18 penalty assessment is provided in Section 66-8-116 NMSA 1978."~~

19 Section 3. Section 66-5-205.1 NMSA 1978 (being Laws 1989,
20 Chapter 214, Section 1, as amended) is amended to read:

21 "66-5-205.1. UNINSURED MOTORIST CITATION--REQUIREMENTS TO
22 BE FOLLOWED AT TIME OF [~~ACCIDENT~~] CITATION--SUBSEQUENT
23 PROCEDURES--INSURER NOTIFICATION REQUIREMENTS--SUSPENSION
24 PROCEDURES.--

25 A. When a law enforcement officer issues to a

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1 driver ~~[who is involved in an accident]~~ a citation for failure
2 to comply with the provisions of the Mandatory Financial
3 Responsibility Act, the law enforcement officer ~~[shall]~~ may at
4 the same time:

5 (1) issue to the driver cited a temporary
6 operation sticker that indicates the motor vehicle is in
7 violation of the Mandatory Financial Responsibility Act, valid
8 for thirty days after the date the sticker is issued, and
9 forward by mail or delivery to the department a duplicate of
10 the issued sticker; and

11 (2) remove the license plate from the vehicle
12 and send it with the duplicate of the sticker to the
13 department or, if it cannot be removed, permanently deface the
14 plate.

15 B. The issuance of a temporary operation sticker to
16 a driver by a law enforcement officer pursuant to Paragraph (1)
17 of Subsection A of this section shall not create any liability
18 on the part of the officer, the officer's department or the
19 state for damages arising from the future operation of the
20 vehicle.

21 ~~[B.]~~ C. The department shall return or replace, in
22 its discretion, a license plate removed under the provisions of
23 Paragraph (2) of Subsection A of this section or replace a
24 license plate defaced under that paragraph when the person
25 cited for failure to comply with the provisions of the

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1 Mandatory Financial Responsibility Act furnishes proof of
2 compliance to the department and pays to the division a
3 reinstatement fee of [~~twenty-five dollars (\$25.00)~~] one hundred
4 dollars (\$100). If a person to whom the temporary operation
5 sticker is issued furnishes to the department, within fifteen
6 days after the issuance of the sticker, evidence of financial
7 responsibility in compliance with the Mandatory Financial
8 Responsibility Act and in effect on the date and at the time of
9 the issuance of the sticker, the department shall replace or
10 return the license plate and waive the [~~twenty-five-dollar~~
11 ~~(\$25.00)~~] reinstatement fee.

12 [~~C.~~] D. The secretary shall adopt and promulgate
13 rules prescribing the form and use of the sticker required to
14 be issued under Subsection A of this section.

15 [~~D.~~] E. The secretary shall adopt and promulgate
16 rules requiring insurance carriers to report canceled,
17 terminated and newly issued motor vehicle insurance policies
18 each month to the department. Information pertaining to each
19 motor vehicle shall be made a part of that vehicle file for one
20 year.

21 [~~E.~~] F. Within ten days of notification by the
22 insurance carrier of a termination or cancellation of a motor
23 vehicle insurance policy, the department shall demand
24 satisfactory evidence from the owner of the motor vehicle that
25 [~~he~~] the owner meets the requirements of the Mandatory

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1 Financial Responsibility Act. Failure to provide evidence of
 2 financial responsibility within twenty days after the
 3 department has mailed its demand for proof:

4 (1) constitutes reasonable grounds to believe
 5 that a person is operating a motor vehicle in violation of the
 6 provisions of Section 66-5-205 NMSA 1978; and

7 (2) requires the department to suspend the
 8 person's registration as provided in Section 66-5-236 NMSA
 9 1978.

10 [~~F.~~] G. The department shall notify the
 11 superintendent of insurance if an insurance carrier fails to
 12 provide monthly reports to the department regarding motor
 13 vehicle insurance policy information as required by Subsection
 14 [~~D~~] E of this section."

15 Section 4. Section 66-5-229 NMSA 1978 (being Laws 1978,
 16 Chapter 35, Section 318, as amended) is amended to read:

17 "66-5-229. DURATION OF EVIDENCE--WHEN FILING OF EVIDENCE
 18 MAY BE WAIVED--PENALTY.--

19 A. The department shall, upon request, consent to the
 20 immediate cancellation of any bond or the department shall
 21 direct and the state treasurer shall return to the person
 22 entitled thereto any money deposited pursuant to the Mandatory
 23 Financial Responsibility Act as evidence of financial
 24 responsibility or the department shall waive the requirement of
 25 filing evidence of financial responsibility in any of the

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1 following events:

2 (1) after one year of providing satisfactory
3 evidence as specified in Section 66-5-218 NMSA 1978;

4 (2) the death of the person on whose behalf
5 evidence was filed or the permanent incapacity of the person to
6 operate a motor vehicle; or

7 (3) the person who has filed evidence surrenders
8 ~~[his]~~ the person's license and registration to the department.

9 B. ~~[Provided, however, that]~~ The department shall not
10 consent to the cancellation of any bond or the return of any
11 money or waive the requirement of filing evidence of financial
12 responsibility in the event any action for damages upon a
13 liability covered by the evidence is then pending or any
14 judgment upon any such liability is then unsatisfied or in the
15 event the person who has filed the bond or deposited the money
16 has, within one year immediately preceding the request, been
17 involved as a driver or owner in any motor vehicle accident
18 resulting in injury or damage to the person or property of
19 others. An affidavit of the applicant as to the nonexistence
20 of such facts or that ~~[he]~~ the applicant has been released from
21 all of ~~[his]~~ the applicant's liability or has been finally
22 adjudicated not to be liable for such injury or damage shall be
23 sufficient evidence thereof in the absence of evidence to the
24 contrary in the records of the department.

25 C. Every owner or operator of a vehicle subject to

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1 the requirements of the Mandatory Financial Responsibility Act
 2 shall carry evidence of financial responsibility as defined by
 3 that act in the vehicle at all times while the vehicle is in
 4 operation on the highways of this state. The failure to comply
 5 with this subsection shall be a penalty assessment misdemeanor
 6 and shall be punishable [~~by the penalty set forth in Section~~
 7 ~~66-8-7~~] as provided in Section 66-8-116 NMSA 1978; provided
 8 that a law enforcement officer shall not charge a person with a
 9 violation of this section if the officer can verify the
 10 person's compliance with the Mandatory Financial Responsibility
 11 Act by checking a computer database of motor vehicle
 12 information immediately available to the officer; and provided
 13 further that no person charged with violating this section
 14 shall be convicted if [~~he~~] the person produces in court
 15 evidence of financial responsibility valid at the time of
 16 issuance of the citation."

17 Section 5. Section 66-6-23 NMSA 1978 (being Laws 1978,
 18 Chapter 35, Section 358, as amended) is amended to read:

19 "66-6-23. DISPOSITION OF FEES.--

20 A. After the necessary disbursements for refunds and
 21 other purposes have been made, the money remaining in the motor
 22 vehicle suspense fund, except for remittances received within
 23 the previous two months that are unidentified as to source or
 24 disposition, shall be distributed as follows:

25 (1) to each municipality, county or fee agent

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1 operating a motor vehicle field office:

2 (a) an amount equal to six dollars (\$6.00)
3 per driver's license and five dollars (\$5.00) per
4 identification card or motor vehicle or motorboat registration
5 or title transaction performed; and

6 (b) for each such agent determined by the
7 secretary pursuant to Section 66-2-16 NMSA 1978 to have
8 performed ten thousand or more transactions in the preceding
9 fiscal year, other than a class A county with a population
10 exceeding three hundred thousand or a municipality with a
11 population exceeding three hundred thousand that has been
12 designated as an agent pursuant to Section 66-2-14.1 NMSA 1978,
13 an amount equal to one dollar (\$1.00) in addition to the amount
14 distributed pursuant to Subparagraph (a) of this paragraph for
15 each driver's license, identification card, motor vehicle
16 registration, motorboat registration or title transaction
17 performed;

18 (2) to each municipality or county, other than a
19 class A county with a population exceeding three hundred
20 thousand or a municipality with a population exceeding three
21 hundred thousand that has been designated as an agent pursuant
22 to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field
23 office, an amount equal to one dollar fifty cents (\$1.50) for
24 each administrative service fee remitted by that county or
25 municipality to the department pursuant to the provisions of
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1 Subsection A of Section 66-2-16 NMSA 1978;

2 (3) to the state road fund:

3 (a) an amount equal to the fees collected
4 pursuant to Sections 66-7-413 and 66-7-413.4 NMSA 1978;

5 (b) an amount equal to the fee collected
6 pursuant to Section 66-3-417 NMSA 1978;

7 (c) the remainder of each driver's license
8 fee collected by the department employees from an applicant to
9 whom a license is granted after deducting from the driver's
10 license fee the amount of the distribution authorized in
11 Paragraph (1) of this subsection with respect to that collected
12 driver's license fee; and

13 (d) an amount equal to fifty percent of the
14 fees collected pursuant to Section 66-6-19 NMSA 1978;

15 (4) to the local governments road fund, the
16 amount of the fees collected pursuant to Subsection B of
17 Section 66-5-33.1 NMSA 1978 and the remainder of the fees
18 collected pursuant to Subsection A of Section 66-5-408 NMSA
19 1978;

20 (5) to the department:

21 (a) any amounts reimbursed to the department
22 pursuant to Subsection C of Section 66-2-14.1 NMSA 1978;

23 (b) an amount equal to two dollars (\$2.00)
24 of each motorcycle registration fee collected pursuant to
25 Section 66-6-1 NMSA 1978;

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1 (c) an amount equal to the fees provided for
2 in Subsection D of Section 66-2-7 NMSA 1978, Subsection E of
3 Section 66-2-16 NMSA 1978, Subsections [~~J~~ and] K and L of
4 Section 66-3-6 NMSA 1978 other than the administrative fee,
5 Subsection C of Section 66-5-44 NMSA 1978 and Subsection B of
6 Section 66-5-408 NMSA 1978;

7 (d) the amounts due to the department for
8 the manufacture and issuance of a special registration plate
9 collected pursuant to the section of law authorizing the
10 issuance of the specialty plate;

11 (e) an amount equal to the registration fees
12 collected pursuant to Section 66-6-6.1 NMSA 1978 for the
13 purposes of enforcing the provisions of the Mandatory Financial
14 Responsibility Act and for creating and maintaining a
15 multilanguage noncommercial driver's license testing program;
16 and after those purposes are met, the balance of the
17 registration fees shall be distributed to the department to
18 defray the costs of operating the motor vehicle division;

19 (f) an amount equal to fifty cents (\$.50)
20 for each administrative fee remitted to the department by a
21 county or municipality operating a motor vehicle field office
22 pursuant to Subsection A of Section 66-2-16 NMSA 1978;

23 (g) an amount equal to one dollar twenty-
24 five cents (\$1.25) for each administrative fee collected by the
25 department or any of its agents other than a county or

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1 municipality operating a motor vehicle field office pursuant to
 2 Subsection A of Section 66-2-16 NMSA 1978; ~~and~~

3 (h) an amount equal to the royalties or
 4 other consideration paid by commercial users of databases of
 5 motor vehicle-related records of the department pursuant to
 6 Subsection C of Section 14-3-15.1 NMSA 1978 for the purpose of
 7 defraying the costs of maintaining databases of motor vehicle-
 8 related records of the department; and after that purpose is
 9 met, the balance of the royalties and other consideration shall
 10 be distributed to the department to defray the costs of
 11 operating the motor vehicle division; and

12 (i) an amount equal to the additional
 13 vehicle registration reinstatement fee collected pursuant to
 14 Subsection C of Section 66-5-33.1 NMSA 1978 to defray the costs
 15 of the operation of the motor vehicle division;

16 (6) to each New Mexico institution of higher
 17 education, an amount equal to that part of the fees distributed
 18 pursuant to Paragraph (2) of Subsection D of Section 66-3-416
 19 NMSA 1978 proportionate to the number of special registration
 20 plates issued in the name of the institution to all such
 21 special registration plates issued in the name of all
 22 institutions;

23 (7) to the armed forces veterans license fund,
 24 the amount to be distributed pursuant to Paragraph (2) of
 25 Subsection E of Section 66-3-419 NMSA 1978;

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1 (8) to the children's trust fund, the amount to
2 be distributed pursuant to Paragraph (2) of Subsection D of
3 Section 66-3-420 NMSA 1978;

4 (9) to the department of transportation, an
5 amount equal to the fees collected pursuant to Section 66-5-35
6 NMSA 1978;

7 (10) to the state equalization guarantee
8 distribution made annually pursuant to the general
9 appropriation act, an amount equal to one hundred percent of
10 the driver safety fee collected pursuant to Subsection D of
11 Section 66-5-44 NMSA 1978;

12 (11) to the motorcycle training fund, two
13 dollars (\$2.00) of each motorcycle registration fee collected
14 pursuant to Section 66-6-1 NMSA 1978;

15 (12) to the recycling and illegal dumping fund:

16 (a) fifty cents (\$.50) of the tire recycling
17 fee collected pursuant to the provisions of Section 66-6-1 NMSA
18 1978;

19 (b) fifty cents (\$.50) of each of the tire
20 recycling fees collected pursuant to the provisions of Sections
21 66-6-2 and 66-6-4 NMSA 1978; and

22 (c) twenty-five cents (\$.25) of each of the
23 tire recycling fees collected pursuant to Sections 66-6-5 and
24 66-6-8 NMSA 1978;

25 (13) to the highway infrastructure fund:

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1 (a) fifty cents (\$.50) of the tire recycling
2 fee collected pursuant to the provisions of Section 66-6-1 NMSA
3 1978;

4 (b) one dollar (\$1.00) of each of the tire
5 recycling fees collected pursuant to the provisions of Sections
6 66-6-2 and 66-6-4 NMSA 1978; and

7 (c) twenty-five cents (\$.25) of each of the
8 tire recycling fees collected pursuant to Sections 66-6-5 and
9 66-6-8 NMSA 1978;

10 (14) to each county, an amount equal to fifty
11 percent of the fees collected pursuant to Section 66-6-19 NMSA
12 1978 multiplied by a fraction, the numerator of which is the
13 total mileage of public roads maintained by the county and the
14 denominator of which is the total mileage of public roads
15 maintained by all counties in the state;

16 (15) to the litter control and beautification
17 fund, an amount equal to the fees collected pursuant to Section
18 66-6-6.2 NMSA 1978;

19 (16) to the local government division of the
20 department of finance and administration, an amount equal to
21 the fees collected pursuant to Section 66-3-424.3 NMSA 1978 for
22 distribution to each county to support animal control spaying
23 and neutering programs in an amount proportionate to the number
24 of residents of that county who have purchased pet care special
25 registration plates pursuant to Section 66-3-424.3 NMSA 1978;

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1 and

2 (17) to the Cumbres and Toltec scenic railroad
3 commission, twenty-five dollars (\$25.00) collected pursuant to
4 the Cumbres and Toltec scenic railroad special registration
5 plate.

6 B. The balance, exclusive of unidentified
7 remittances, shall be distributed in accordance with Section
8 66-6-23.1 NMSA 1978.

9 C. If any of the paragraphs, subsections or sections
10 referred to in Subsection A of this section are recompiled or
11 otherwise redesignated without a corresponding change to
12 Subsection A of this section, the reference in Subsection A of
13 this section shall be construed to be the recompiled or
14 redesignated paragraph, subsection or section."

15 Section 6. Section 66-8-116 NMSA 1978 (being Laws 1978,
16 Chapter 35, Section 524, as amended) is amended to read:

17 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
18 DEFINITION--SCHEDULE OF ASSESSMENTS.--

19 A. As used in the Motor Vehicle Code, "penalty
20 assessment misdemeanor" means violation of any of the following
21 listed sections of the NMSA 1978 for which, except as provided
22 in Subsections D and E of this section, the listed penalty
23 assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
		ASSESSMENT

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1	Permitting unlicensed		
2	minor to drive	66-5-40	\$ 10.00
3	Failure to obey sign	66-7-104	10.00
4	Failure to obey signal	66-7-105	10.00
5	Speeding	66-7-301	
6	(1) up to and including		
7	ten miles an hour		
8	over the speed limit		15.00
9	(2) from eleven up to		
10	and including fifteen		
11	miles an hour		
12	over the speed limit		30.00
13	(3) from sixteen up to		
14	and including twenty		
15	miles an hour over the		
16	speed limit		65.00
17	(4) from twenty-one up to		
18	and including twenty-five		
19	miles an hour		
20	over the speed limit		100.00
21	(5) from twenty-six up to		
22	and including thirty		
23	miles an hour over the		
24	speed limit		125.00
25	(6) from thirty-one up to		

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1	and including thirty-five		
2	miles an hour over the		
3	speed limit		150.00
4	(7) more than thirty-five		
5	miles an hour over the		
6	speed limit		200.00
7	Unfastened safety belt	66-7-372	25.00
8	Child not in restraint device		
9	or seat belt	66-7-369	25.00
10	Minimum speed	66-7-305	10.00
11	Speeding	66-7-306	15.00
12	Improper starting	66-7-324	10.00
13	Improper backing	66-7-354	10.00
14	Improper lane	66-7-308	10.00
15	Improper lane	66-7-313	10.00
16	Improper lane	66-7-316	10.00
17	Improper lane	66-7-317	10.00
18	Improper lane	66-7-319	10.00
19	Improper passing	66-7-309 through 66-7-312	10.00
20	Improper passing	66-7-315	10.00
21	Controlled access		
22	violation	66-7-320	10.00
23	Controlled access		
24	violation	66-7-321	10.00
25	Improper turning	66-7-322	10.00

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1	Improper turning	66-7-323	10.00
2	Improper turning	66-7-325	10.00
3	Following too closely	66-7-318	10.00
4	Failure to yield	66-7-328 through 66-7-331	10.00
5	Failure to yield	66-7-332	50.00
6	Failure to yield	66-7-332.1	25.00
7	Pedestrian violation	66-7-333	10.00
8	Pedestrian violation	66-7-340	10.00
9	Failure to stop	66-7-342 and 66-7-344	
10		through 66-7-346	10.00
11	Railroad-highway grade		
12	crossing violation	66-7-341 and 66-7-343	10.00
13	Passing school bus	66-7-347	100.00
14	Failure to signal	66-7-325 through 66-7-327	10.00
15	Failure to secure load	66-7-407	100.00
16	Operation without oversize-		
17	overweight permit	66-7-413	50.00
18	Improper equipment	66-3-801	10.00
19	Improper equipment	66-3-901	20.00
20	Improper emergency		
21	signal	66-3-853 through 66-3-857	10.00
22	Operation interference	66-7-357	5.00
23	Littering	66-7-364	300.00
24	Improper parking	66-7-349 through 66-7-352	
25		and 66-7-353	5.00

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1	Improper parking	66-3-852	5.00
2	Failure to dim lights	66-3-831	10.00
3	Riding in or towing		
4	occupied house trailer	66-7-366	5.00
5	Improper opening of doors	66-7-367	5.00
6	No slow-moving vehicle		
7	emblem or flashing		
8	amber light	66-3-887	5.00
9	Open container - first		
10	violation	66-8-138	25.00
11	<u>Uninsured motor vehicle</u>	<u>66-5-205</u>	<u>75.00</u>
12	<u>No Evidence of financial</u>		
13	<u>responsibility</u>	<u>66-5-229</u>	<u>75.00.</u>

14 B. The term "penalty assessment misdemeanor" does not
15 include a violation that has caused or contributed to the cause
16 of an accident resulting in injury or death to a person.

17 C. When an alleged violator of a penalty assessment
18 misdemeanor elects to accept a notice to appear in lieu of a
19 notice of penalty assessment, a fine imposed upon later
20 conviction shall not exceed the penalty assessment established
21 for the particular penalty assessment misdemeanor and probation
22 imposed upon a suspended or deferred sentence shall not exceed
23 ninety days; provided that a fine imposed upon later conviction
24 for a violation of Section 66-5-205 or 66-5-229 NMSA 1978 shall
25 not be less than the penalty assessment established in

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1 Subsection A of this section for that violation, nor shall the
2 fine be suspended, deferred or taken under advisement.

3 D. The penalty assessment for speeding in violation
4 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978
5 is twice the penalty assessment established in Subsection A of
6 this section for the equivalent miles per hour over the speed
7 limit.

8 E. Upon a second conviction for operation without a
9 permit for excessive size or weight pursuant to Section
10 66-7-413 NMSA 1978, the penalty assessment shall be two hundred
11 fifty dollars (\$250). Upon a third or subsequent conviction,
12 the penalty assessment shall be five hundred dollars (\$500)."

13 Section 7. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2009.

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